



Sen. Antonio Muñoz

Filed: 3/24/2014

09800SB3479sam001

LRB098 16839 ZMM 57029 a

1 AMENDMENT TO SENATE BILL 3479

2 AMENDMENT NO. _____. Amend Senate Bill 3479 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Video Gaming Act is amended by changing
5 Section 35 as follows:

6 (230 ILCS 40/35)

7 Sec. 35. Display of license; confiscation; violation as
8 felony.

9 (a) Each video gaming terminal shall be licensed by the
10 Board before placement or operation on the premises of a
11 licensed establishment, licensed truck stop establishment,
12 licensed fraternal establishment, or licensed veterans
13 establishment. The license of each video gaming terminal shall
14 be maintained at the location where the video gaming terminal
15 is operated. Failure to do so is a petty offense with a fine
16 not to exceed \$100. Any licensed establishment, licensed truck

1 stop establishment, licensed fraternal establishment, or
2 licensed veterans establishment used for the conduct of
3 gambling games in violation of this Act shall be considered a
4 gambling place in violation of Section 28-3 of the Criminal
5 Code of 2012. Every gambling device found in a licensed
6 establishment, licensed truck stop establishment, licensed
7 fraternal establishment, or licensed veterans establishment
8 operating gambling games in violation of this Act shall be
9 subject to seizure, confiscation, and destruction as provided
10 in Section 28-5 of the Criminal Code of 2012. Any license
11 issued under the Liquor Control Act of 1934 to any owner or
12 operator of a licensed establishment, licensed truck stop
13 establishment, licensed fraternal establishment, or licensed
14 veterans establishment that operates or permits the operation
15 of a video gaming terminal within its establishment in
16 violation of this Act shall be immediately revoked. No person
17 may own, operate, have in his or her possession or custody or
18 under his or her control, or permit to be kept in any place
19 under his or her possession or control, any device that awards
20 credits and contains a circuit, meter, or switch capable of
21 removing and recording the removal of credits when the award of
22 credits is dependent upon chance.

23 ~~Nothing in this Section shall be deemed to prohibit the use~~
24 ~~of a game device only if the game device is used in an activity~~
25 ~~that is not gambling under subsection (b) of Section 28-1 of~~
26 ~~the Criminal Code of 2012.~~

1 A violation of this Section is a Class 4 felony. All
2 devices that are owned, operated, or possessed in violation of
3 this Section are hereby declared to be public nuisances and
4 shall be subject to seizure, confiscation, and destruction as
5 provided in Section 28-5 of the Criminal Code of 2012.

6 The provisions of this Section do not apply to devices or
7 electronic video game terminals licensed pursuant to this Act.
8 A video gaming terminal operated for amusement only and bearing
9 a valid amusement tax sticker shall not be subject to this
10 Section until 30 days after the Board establishes that the
11 central communications system is functional.

12 (b) (1) The odds of winning each video game shall be posted
13 on or near each video gaming terminal. The manner in which the
14 odds are calculated and how they are posted shall be determined
15 by the Board by rule.

16 (2) No video gaming terminal licensed under this Act may be
17 played except during the legal hours of operation allowed for
18 the consumption of alcoholic beverages at the licensed
19 establishment, licensed fraternal establishment, or licensed
20 veterans establishment. A licensed establishment, licensed
21 fraternal establishment, or licensed veterans establishment
22 that violates this subsection is subject to termination of its
23 license by the Board.

24 (Source: P.A. 97-1150, eff. 1-25-13; 98-111, eff. 1-1-14.)

25 Section 10. The Criminal Code of 2012 is amended by

1 changing Sections 28-1 and 28-2 as follows:

2 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

3 Sec. 28-1. Gambling.

4 (a) A person commits gambling when he or she:

5 (1) knowingly plays a game of chance or skill for money
6 or other thing of value, unless excepted in subsection (b)
7 of this Section;

8 (2) knowingly makes a wager upon the result of any
9 game, contest, or any political nomination, appointment or
10 election;

11 (3) knowingly operates, keeps, owns, uses, purchases,
12 exhibits, rents, sells, bargains for the sale or lease of,
13 manufactures or distributes any gambling device;

14 (4) contracts to have or give himself or herself or
15 another the option to buy or sell, or contracts to buy or
16 sell, at a future time, any grain or other commodity
17 whatsoever, or any stock or security of any company, where
18 it is at the time of making such contract intended by both
19 parties thereto that the contract to buy or sell, or the
20 option, whenever exercised, or the contract resulting
21 therefrom, shall be settled, not by the receipt or delivery
22 of such property, but by the payment only of differences in
23 prices thereof; however, the issuance, purchase, sale,
24 exercise, endorsement or guarantee, by or through a person
25 registered with the Secretary of State pursuant to Section

1 8 of the Illinois Securities Law of 1953, or by or through
2 a person exempt from such registration under said Section
3 8, of a put, call, or other option to buy or sell
4 securities which have been registered with the Secretary of
5 State or which are exempt from such registration under
6 Section 3 of the Illinois Securities Law of 1953 is not
7 gambling within the meaning of this paragraph (4);

8 (5) knowingly owns or possesses any book, instrument or
9 apparatus by means of which bets or wagers have been, or
10 are, recorded or registered, or knowingly possesses any
11 money which he has received in the course of a bet or
12 wager;

13 (6) knowingly sells pools upon the result of any game
14 or contest of skill or chance, political nomination,
15 appointment or election;

16 (7) knowingly sets up or promotes any lottery or sells,
17 offers to sell or transfers any ticket or share for any
18 lottery;

19 (8) knowingly sets up or promotes any policy game or
20 sells, offers to sell or knowingly possesses or transfers
21 any policy ticket, slip, record, document or other similar
22 device;

23 (9) knowingly drafts, prints or publishes any lottery
24 ticket or share, or any policy ticket, slip, record,
25 document or similar device, except for such activity
26 related to lotteries, bingo games and raffles authorized by

1 and conducted in accordance with the laws of Illinois or
2 any other state or foreign government;

3 (10) knowingly advertises any lottery or policy game,
4 except for such activity related to lotteries, bingo games
5 and raffles authorized by and conducted in accordance with
6 the laws of Illinois or any other state;

7 (11) knowingly transmits information as to wagers,
8 betting odds, or changes in betting odds by telephone,
9 telegraph, radio, semaphore or similar means; or knowingly
10 installs or maintains equipment for the transmission or
11 receipt of such information; except that nothing in this
12 subdivision (11) prohibits transmission or receipt of such
13 information for use in news reporting of sporting events or
14 contests; or

15 (12) knowingly establishes, maintains, or operates an
16 Internet site that permits a person to play a game of
17 chance or skill for money or other thing of value by means
18 of the Internet or to make a wager upon the result of any
19 game, contest, political nomination, appointment, or
20 election by means of the Internet. This item (12) does not
21 apply to activities referenced in items (6) and (6.1) of
22 subsection (b) of this Section.

23 (b) Participants in any of the following activities shall
24 not be convicted of gambling:

25 (1) Agreements to compensate for loss caused by the
26 happening of chance including without limitation contracts

1 of indemnity or guaranty and life or health or accident
2 insurance.

3 (2) Offers of prizes, award or compensation to the
4 actual contestants in any bona fide contest for the
5 determination of skill, speed, strength or endurance or to
6 the owners of animals or vehicles entered in such contest.

7 (3) Pari-mutuel betting as authorized by the law of
8 this State.

9 (4) Manufacture of gambling devices, including the
10 acquisition of essential parts therefor and the assembly
11 thereof, for transportation in interstate or foreign
12 commerce to any place outside this State when such
13 transportation is not prohibited by any applicable Federal
14 law; or the manufacture, distribution, or possession of
15 video gaming terminals, as defined in the Video Gaming Act,
16 by manufacturers, distributors, and terminal operators
17 licensed to do so under the Video Gaming Act.

18 (5) The game commonly known as "bingo", when conducted
19 in accordance with the Bingo License and Tax Act.

20 (6) Lotteries when conducted by the State of Illinois
21 in accordance with the Illinois Lottery Law. This exemption
22 includes any activity conducted by the Department of
23 Revenue to sell lottery tickets pursuant to the provisions
24 of the Illinois Lottery Law and its rules.

25 (6.1) The purchase of lottery tickets through the
26 Internet for a lottery conducted by the State of Illinois

1 under the program established in Section 7.12 of the
2 Illinois Lottery Law.

3 (7) Possession of an antique slot machine that is
4 neither used nor intended to be used in the operation or
5 promotion of any unlawful gambling activity or enterprise.
6 For the purpose of this subparagraph (b)(7), an antique
7 slot machine is one manufactured 25 years ago or earlier.

8 (8) Raffles when conducted in accordance with the
9 Raffles Act.

10 (9) Charitable games when conducted in accordance with
11 the Charitable Games Act.

12 (10) Pull tabs and jar games when conducted under the
13 Illinois Pull Tabs and Jar Games Act.

14 (11) Gambling games conducted on riverboats when
15 authorized by the Riverboat Gambling Act.

16 (12) Video gaming terminal games at a licensed
17 establishment, licensed truck stop establishment, licensed
18 fraternal establishment, or licensed veterans
19 establishment when conducted in accordance with the Video
20 Gaming Act.

21 (13) Games of skill or chance where money or other
22 things of value can be won but no payment or purchase is
23 required to participate, except where participation in
24 such game of skill or chance is accomplished using a
25 gambling device prohibited by Section 28-2(a)(iii).

26 (c) Sentence.

1 (1) Gambling is a Class A misdemeanor. A second or
2 subsequent conviction under subsections (a)(3) through
3 (a)(12), is a Class 4 felony.

4 (2) Notwithstanding subsection (c)(1), or anything
5 else contained in this Section to the contrary, a gambling
6 offense involving a device described in Section
7 28-2(a)(iii) is a Class 4 felony.

8 (d) Circumstantial evidence.

9 In prosecutions under this Section circumstantial evidence
10 shall have the same validity and weight as in any criminal
11 prosecution.

12 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
13 96-1203, eff. 7-22-10; 97-1108, eff. 1-1-13.)

14 (720 ILCS 5/28-2) (from Ch. 38, par. 28-2)

15 Sec. 28-2. Definitions.

16 (a) A "gambling device" is: (i) any clock, tape machine,
17 slot machine or other machines or device for the reception of
18 money or other thing of value on chance or skill or upon the
19 action of which money or other thing of value is staked,
20 hazarded, bet, won or lost; (ii) ~~or~~ any mechanism, furniture,
21 fixture, equipment or other device designed primarily for use
22 in a gambling place; or (iii) any vending or other electronic
23 machine or device, including without limitation a machine or
24 device that awards credits and contains a circuit, meter, or
25 switch capable of removing and recording the removal of credits

1 that offers a person entry into any contest, competition,
2 sweepstakes, scheme, plan, or other selection process that
3 involves or is dependent upon an element of chance for which
4 the person may receive a gift, award, or other item or service
5 of value if that offer is incidental to or results from: (A)
6 the purchase of an item or service of value; or (B) the
7 purchase or gratuitous receipt of a coupon, voucher,
8 certificate, or other similar credit that can be redeemed for
9 or applied towards an item or service of value from such
10 machine or device or elsewhere. A "gambling device" does not
11 include:

12 (1) A coin-in-the-slot operated mechanical device
13 played for amusement which rewards the player with the
14 right to replay such mechanical device, which device is so
15 constructed or devised as to make such result of the
16 operation thereof depend in part upon the skill of the
17 player and which returns to the player thereof no money,
18 property or right to receive money or property.

19 (2) Except as otherwise provided in this subsection
20 (a), a vending machine ~~Vending machines~~ by which full and
21 adequate return is made for the money invested and in which
22 there is no element of chance or hazard.

23 (3) A crane game. For the purposes of this paragraph
24 (3), a "crane game" is an amusement device involving skill,
25 if it rewards the player exclusively with merchandise
26 contained within the amusement device proper and limited to

1 toys, novelties and prizes other than currency, each having
2 a wholesale value which is not more than \$25.

3 (4) A redemption machine. For the purposes of this
4 paragraph (4), a "redemption machine" is a single-player or
5 multi-player amusement device involving a game, the object
6 of which is throwing, rolling, bowling, shooting, placing,
7 or propelling a ball or other object that is either
8 physical or computer generated on a display or with lights
9 into, upon, or against a hole or other target that is
10 either physical or computer generated on a display or with
11 lights, or stopping, by physical, mechanical, or
12 electronic means, a moving object that is either physical
13 or computer generated on a display or with lights into,
14 upon, or against a hole or other target that is either
15 physical or computer generated on a display or with lights,
16 provided that all of the following conditions are met:

17 (A) The outcome of the game is predominantly
18 determined by the skill of the player.

19 (B) The award of the prize is based solely upon the
20 player's achieving the object of the game or otherwise
21 upon the player's score.

22 (C) Only merchandise prizes are awarded.

23 (D) The wholesale value of prizes awarded in lieu
24 of tickets or tokens for single play of the device does
25 not exceed \$25.

26 (E) The redemption value of tickets, tokens, and

1 other representations of value, which may be
2 accumulated by players to redeem prizes of greater
3 value, for a single play of the device does not exceed
4 \$25.

5 (5) Video gaming terminals at a licensed
6 establishment, licensed truck stop establishment, licensed
7 fraternal establishment, or licensed veterans
8 establishment licensed in accordance with the Video Gaming
9 Act.

10 (a-5) "Internet" means an interactive computer service or
11 system or an information service, system, or access software
12 provider that provides or enables computer access by multiple
13 users to a computer server, and includes, but is not limited
14 to, an information service, system, or access software provider
15 that provides access to a network system commonly known as the
16 Internet, or any comparable system or service and also
17 includes, but is not limited to, a World Wide Web page,
18 newsgroup, message board, mailing list, or chat area on any
19 interactive computer service or system or other online service.

20 (a-6) "Access" and "computer" have the meanings ascribed to
21 them in Section 16D-2 of this Code.

22 (b) A "lottery" is any scheme or procedure whereby one or
23 more prizes are distributed by chance among persons who have
24 paid or promised consideration for a chance to win such prizes,
25 whether such scheme or procedure is called a lottery, raffle,
26 gift, sale or some other name.

1 (c) A "policy game" is any scheme or procedure whereby a
2 person promises or guarantees by any instrument, bill,
3 certificate, writing, token or other device that any particular
4 number, character, ticket or certificate shall in the event of
5 any contingency in the nature of a lottery entitle the
6 purchaser or holder to receive money, property or evidence of
7 debt.

8 (d) It is the intent of Section 28-2(a)(iii) to prohibit
9 any mechanism that seeks to avoid being considered a gambling
10 device through the use of any subterfuge or pretense
11 whatsoever.

12 (Source: P.A. 97-1126, eff. 1-1-13; 98-31, eff. 6-24-13.)".